

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue, 14th Floor
New York, New York 10017
Tel: (646) 837-5151
Fax: (646) 837-5150
www.hsgllp.com

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

October 2, 2023

Re: *Mene v. Sokola (Agreed Expert Discovery Extension)*
Case No. 22-cv-10333-KPF

Dear Judge Failla,

We write on behalf of the parties in the above captioned matter to seek an agreed extension of time to upcoming deadlines.

On September 7, 2023 [ECF No. 55], this Court ordered new deadlines for the service of a written memorandum concerning relevant precepts of Polish law by Petitioner and rebuttal memorandum by Respondent. The date for Respondent's rebuttal memorandum was set for October 5, 2023, the day before the so-ordered agreed date for Filing Joint Pre-Trial Order of October 6, 2023 [ECF No. 47]. That second date is also the date under your Individual Rules of Practice for other require pre-trial filings (Rule 7B) and additional submissions in non-jury cases (Rule 7C).

On September 28, 2023 the Polish Court hearing the divorce case between the parties to this matter adjourned a hearing in that matter to October 5, 2023. As the lawyer identified by Respondent to provide rebuttal expert evidence is engaged in those proceedings, the deadline of 5 October 2023 set by this Court is now very difficult for the appointed expert to meet with his commitments to the Polish Court.

On September 29, 2023, we wrote to counsel for Petitioner to seek agreement that the date for the rebuttal expert memorandum be extended to October 10, 2023 to accommodate the clash

caused by the adjourned Polish proceedings. We also proposed that the date for the Joint Pre-Trial Order and accompanying filings and submissions under your Individual Rule 7 be extended to 3 days after the expert memorandum (to October 13) to: (a) ensure proper sequencing of the submissions – such that affidavits and exhibits lists (amongst others) were not submitted and exchanged before the rebuttal report, and (b) allow Petitioner sufficient time to consider the rebuttal memorandum before the deadline for pre-trial submissions and filings.

Having promptly informed us that he was out of the office on September 29, Petitioner's counsel today (October 2, 2023) agreed to extensions to October 10 and October 17, 2023 respectively.

Accordingly, we are writing jointly to respectfully request that the Court extend:

- (1) The date for the rebuttal memorandum of Polish law to October 10, 2023;
- (2) The date for Filing Joint Pre-Trial Order (and all required submissions and filings under Individual Rule 7) to October 17, 2023.

Respectfully submitted,

/s/ Jonathan Schaffer-Goddard

Jonathan Schaffer-Goddard

HOLWELL SHUSTER & GOLDBERG LLP
Co-counsel for Respondent

/s/ Richard Min

Richard Min

GREEN KAMINER MIN & ROCKMORE LLP
Co-counsel for Respondent

/s/ Michael Pascazi

Michael Pascazi

PASCAZI LAW OFFICES PLLC
Counsel for Petitioner

Application GRANTED. The deadline for Respondent to submit a rebuttal expert memorandum is hereby ADJOURNED to **October 10, 2023**. The deadline for the parties to file a joint pre-trial order and all required submissions and filings under Individual Rule 7 is hereby ADJOURNED to **October 17, 2023**. The parties are advised that the Court will not grant any further extensions of either of these deadlines.

The Clerk of Court is directed to terminate the motion at docket entry 58.

SO ORDERED.

Dated: October 3, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE